

IC 3-5-4

Chapter 4. Miscellaneous Provisions

IC 3-5-4-1

Time for filing

Sec. 1. Whenever this title specifies a final day for a particular filing but no final hour of that day, the final hour for the receipt of the particular filing is noon, prevailing time, of that final day.

As added by P.L.5-1986, SEC.1.

IC 3-5-4-1.5

Time for commencement of legal actions

Sec. 1.5. (a) This section applies if this title requires that a legal action be taken at the office of a circuit court clerk or a political subdivision.

(b) If the final day for performing the action falls on a day when the office is not open to conduct public business or on a day observed as a holiday under IC 1-1-9, the legal action may be performed:

- (1) on the next day that the office is open for public business;
or
- (2) through noon of the next day that the office is open for public business if the action to be performed is the receipt of a filing.

As added by P.L.3-1993, SEC.5. Amended by P.L.3-1995, SEC.8.

IC 3-5-4-2 Repealed

(Repealed by P.L.3-1987, SEC.570.)

IC 3-5-4-3

Repealed

(Repealed by P.L.3-1987, SEC.570.)

IC 3-5-4-4

Immunity from arrest while at or going to and from polls

Sec. 4. A voter is not subject to arrest while going to the polls, while in attendance there, and while returning from the polls. However, this section does not apply in a case of:

- (1) treason;
- (2) felony; or
- (3) breach of the peace.

As added by P.L.5-1986, SEC.1.

IC 3-5-4-5

Repealed

(Repealed by P.L.3-1993, SEC.282.)

IC 3-5-4-6

Prescribed ballot form; approved marking device instructions

Sec. 6. Whenever a ballot card or an electronic voting system is

used in a precinct and a ballot form prescribed by this title refers to a voting mark, the county election board shall approve voting instructions indicating that a specific type of marking device is employed on the system to indicate a vote.

As added by P.L.3-1987, SEC.12.

IC 3-5-4-7

References to federal statutes or regulations

Sec. 7. Except as otherwise provided in this title, a reference to a federal statute or regulation in this title is a reference to the statute or regulation as in effect January 1, 2003.

As added by P.L.12-1995, SEC.9. Amended by P.L.3-1995, SEC.9; P.L.4-1996, SEC.3; P.L.122-2000, SEC.1; P.L.209-2003, SEC.4.

IC 3-5-4-8

Approval of forms

Sec. 8. (a) Except as provided in subsection (e), but notwithstanding any other statute, whenever the commission acts under IC 3-6-4.1-14 to approve a uniform election or registration form for use throughout Indiana or to approve a revision to an existing form, a person must use the most recent version of the form approved by the commission to comply with this title after the effective date of the commission's order approving the form.

(b) Except as provided in subsection (d) or (f), before an order approving a form takes effect under this section, the election division shall transmit a copy of each form or revised form approved by the order to the following:

- (1) Each circuit court clerk, if the commission determines that the form is primarily used by a candidate, a county election board member, a county or town political party, or for absentee or provisional ballot purposes.
- (2) Each county voter registration office, if the commission determines that the form is primarily used in voter registration.
- (3) The state chairman of each major political party.
- (4) The state chairman of any other political party who has filed a written request with the election division during the preceding twelve (12) months to be furnished with copies of forms.

(c) The election division, an election board, a circuit court clerk, a county voter registration office, or any other official responsible for receiving a filing under this title shall reject a filing that does not comply with this section.

(d) The commission shall specify the effective date of the form or revised form and may:

- (1) delay the effective date of the approval of a form or revised form; and
- (2) permit an earlier approved version of the form or an alternative form to be used before the effective date of the form;

if the commission determines that an emergency requires the use of the form before copies can be transmitted to all persons entitled to receive copies of the form under subsection (b).

(e) This subsection applies to a form permitting an individual to apply for voter registration or to amend the individual's existing voter registration record. The commission may allow an earlier approved version of the form to be used if the:

- (1) earlier version of the form complies with all other requirements imposed under NVRA or this title; and
- (2) commission determines that the existing stock of the form should be exhausted to prevent waste and unnecessary expense.

(f) This subsection applies to a form that the commission determines is used primarily by the election division. The commission may provide that an order concerning a form described by this subsection is effective immediately upon adoption, without any requirement to distribute the form to other persons.

As added by P.L.3-1997, SEC.17. Amended by P.L.38-1999, SEC.2; P.L.126-2002, SEC.10.

IC 3-5-4-9

Authentication of ballots by circuit court clerk

Sec. 9. (a) This section applies after December 31, 2003, whenever the individual who holds the office of circuit court clerk is a candidate on the ballot for any office.

(b) As used in this section, "ballot" refers to an absentee ballot, a ballot card, or any other form of ballot.

(c) Notwithstanding any law requiring the name or signature of the circuit court clerk to appear on a ballot for authentication or any other purpose, the name or signature of the individual who is circuit court clerk may not appear on the ballot except to indicate that the individual is a candidate for an office.

(d) The circuit court clerk shall substitute a uniform device or symbol prescribed by the commission for the circuit court clerk's printed name or signature to authenticate a ballot.

As added by P.L.263-2003, SEC.1.

IC 3-5-4-10

Ownership of ballots, poll lists, and other documents or materials generated or used by a convention or caucus

Sec. 10. (a) This section applies to:

- (1) a convention required or permitted under this title that is conducted by a political party to nominate candidates; or
- (2) a caucus conducted by a political party under IC 3-13 to nominate candidates.

(b) The ballots, poll lists, and other documents or material generated for or used by the convention or caucus are the property of the political party. This property shall be retained and preserved in the manner specified by the rules of the political party.

As added by P.L.9-2004, SEC.1.